

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/055,165	11/22/04	DAVID KRITLER, ET AL.	NONE

Title: **APPARATUS AND METHOD FOR PREPARING A
COATED OPTICAL FIBER**

Art Unit	Paper Number
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Correspondence Address:

JOHN SMITH- HILL
SMITH-HILL & BEDELL, P.C.
12670 NW BARNES ROAD, SUITE 104
PORTLAND, OREGON 97229

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 535,514
Grant Date: 25-Nov-05

**This license is granted retroactively to
the date(s) and the country(s) indicated
on the attached decision.**

Approved:


for Commissioner of Patents and Trademark

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such application or applications.

This license does not empower the filing of any applications, amendments, supplements or continuances originating in this country which disclose inventions, modifications, or variations not disclosed in the subject matter identified above.

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lessen the responsibility of the licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations, especially with respect to certain countries, of other agencies, particularly the Office of Foreign Assets Control, Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Administration, Department of Commerce; and the Department of Energy.

LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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John Smith-Hill
SMITH-HILL & BEDELL, P.C.
12670 NW Barnes Road, Suite 104
Portland, Oregon 97229

In re: Kritler et al : DECISION ON REQUEST
Serial No.: 10/055,165 : UNDER 37 CFR 5.25
Filing date: 22 November 2004
Docket No: NONE

Title: APPARATUS AND METHOD FOR PREPARING A COATED OPTICAL FIBER

In view of the communication(s) filed 09 February 2005 it has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filings listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under secrecy order, that the license was diligently sought after discovery of the proscribed foreign filing, and that the material was filed abroad without the required license under 37 C.F.R. 5.11 first having been obtained through error and without deceptive intent.

Country

Date

Europe

15 March 2002

Approved:

Andrea M. Valenti
Patent Examiner
Group 3643
(571)272-6895

04 November 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David A. KRITLER et al

Art Unit: 2883

Application No: 10/055,165

Examiner:

James P. Hughes

Filed: January 21, 2002

For: APPARATUS AND METHOD FOR PREPARING A
COATED OPTICAL FIBERREPLY TO COMMUNICATION MAILED 01/07/2005

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

Attention: Technology Center 3600

Andrea M. Valenti, Patent Examiner

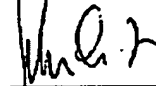
Group 3643

Sir:

The communication mailed January 7, 2005 denies the petition for a retroactive license under 35 USC 184 and 37 CFR 5.25(a) on the ground that the petition does not provide the date of filing of the European patent application. The petition itself states that the date on which the material was filed in the European Patent Office is March 15, 2002. Applicant therefore believes that the required information was in fact provided. Nevertheless, since the petition did not state explicitly that the date on which the material was filed in the European Patent Office was the date of filing of the European patent application, applicant confirms that the date of filing of the European patent application is March 15, 2002.

It is believed that all requirements under 37 CFR 5.25(a) have now been met and it is requested that the petition for retroactive license be granted and the license issued.

Respectfully submitted,



John Smith-Hill

Reg. No. 27,730

SMITH-HILL AND BEDELL, P.C.
12670 N.W. Barnes Road, #104
Portland, Oregon 97229
Tel: (503) 574-3100
Fax: (503) 574-3197
Docket: PHOT 2207

Certificate of
Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.



John Smith-Hill

2/9/05

Date

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/055,165	22-Nov-04	DAVID KRITLER, ET AL.	NONE

Title: APPARATUS AND METHOD FOR PREPARING A
COATED OPTICAL FIBER

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Art Unit	Paper Number
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Correspondence Address:

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PORTLAND, OREGON 97229

PATENT & TRADEMARK OFFICE
MAILED

IAN 7 2005)

LICENSING & REVIEW

Please find attached a communication from the Examiner regarding the
Petition for Retroactive License under 37 CFR 5.25.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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John Smith-Hill
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12670 NW Barnes Road, Suite 104
Portland, Oregon 97229

In re: Kritler et al : DECISION ON REQUEST
Serial No.: 10/055,165 : UNDER 37 CFR 5.25
Filing date: 22 November 2004
Docket No: NONE

Title: APPARATUS AND METHOD FOR PREPARING A COATED OPTICAL FIBER

This is a decision on the petition filed on 09 August 2004 for a retroactive foreign filing license.

37 CFR 5.25(a) requires the following:

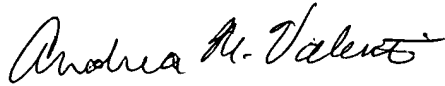
1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
 - i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
 - ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
 - iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is **Denied** at this time in that the petition is defective since the requirements set forth in 37 C.F.R. 5.25(a)(1) have not been met.

The petition indicates that the application was filed in Europe, but the specific date it was filed was not provided. The petition references a 16 March 2002 deadline, but it is not clear on what day the application was actually filed in Europe.

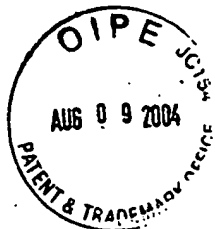
Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had

under 37 C.F.R. 1.136(a).

A handwritten signature in cursive script, reading "Andrea M. Valenti".

Andrea M. Valenti
Patent Examiner
Group 3643
(703) 305-3010

21 December 2004



DP#152
IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

David A. KRITLER et al

Art Unit: 1762

Application No: 10/055,165

Examiner:

Filed: January 21, 2002

For: APPARATUS AND METHOD FOR PREPARING
A COATED OPTICAL FIBER

RECEIVED
NOV 22 2004
LICENSING & REVIEW

PETITION FOR RETROACTIVE LICENSE UNDER 37 CFR 5.25
PRINCIPAL PETITION

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

Attention: Director of Technology Center 3640

Sir:

Applicant petitions for a retroactive license under 35 USC 184 to permit filing of foreign patent applications corresponding to this U.S. patent application.

The unlicensed patent application material has been filed in the European Patent Office.

The date on which the material was filed in the European Patent Office is March 15, 2002.

A verified statement under 37 CFR 5.25(a)(3) is submitted herewith. It is believed that this statement shows that the material was filed abroad through error and without deceptive intention without the required license first having been obtained.

A check in the amount of \$130 for the fee under 37 CFR 1.17(h) is enclosed.

08/09/2004 SFELEKE1 00000088 10055165

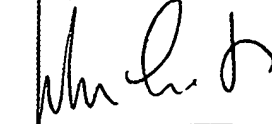
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ALTERNATIVE PETITION

In the event that the principal petition is considered insufficient, it is requested that the license that was granted on March 19, 2002 be deemed to have been granted with effect from prior to March 15, 2002.

Respectfully submitted,



John Smith-Hill
Reg. No. 27,730

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Fax (503) 574-3197
Docket: NETT 2207
Postcard: 08/04-10

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the

6th day of August, 2004

